



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 28, 2019, 7:00 p.m.  
777 B Street, Hayward, CA 94541**

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**PUBLIC HEARING:**

1. Application to Amend Chapter 10, Article 1 (Zone Ordinance), Section 10-1.3603(B) related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from certain sensitive land uses; and Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607)C).1 related to a Reduction of the Overconcentration Buffer from 1,000 feet to 500 feet for Commercial Cannabis Retail Dispensaries of the Hayward municipal Code in the City of Hayward, Requiring Approval of a Zoning Text Amendment, Application No. 201900727

Principal Planner Lochirco provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Patton asked about what has transpired in the past and where the City is headed, to which Principal Planner Lochirco responded to that the City needed to be cautious when regulations were established regarding the new Cannabis industry. Mr. Lochirco said since then, other cities have relaxed their standards and boundaries. The City's proposed changes are only regarding the setback allowances to make businesses more conducive for their patrons, and noted the City has land use regulations in place which addresses that there is still no public consumption allowed. Mr. Lochirco said that staff feels comfortable that there is enough regulatory framework surrounding the Cannabis industry and pointed out that, unique to Hayward, is that Cannabis operators are required to renew their licenses on a yearly basis. Mr. Lochirco said staff is seeking ways to streamline the process without negatively impacting the community. Mr. Lochirco said currently only two applicants are preparing to open and noted revenue projections have yet to be realized.

Commissioner Andrews asked about the design requirements for having dispensaries closer together, to which Principal Planner Lochirco said the land use regulations require operators to ensure the site is safe with the following components: lighting elements, security in place, correct displays, each dispensary goes through a police safety review, and each dispensary is subject to a conditional use permit, as not every location is suitable for this use.

Commissioner Bonilla spoke about visiting Portland where the Cannabis dispensaries were very inviting and were designed to fit into the landscape and noted the operators should be able to accomplish the same here in Hayward. Mr. Bonilla favors reducing regulations and asked what cities have 500-foot setbacks, to which Principal Planner Lochirco said the City has modeled its regulations after Santa Rosa, and that San Francisco and Emeryville have reduced their regulations and developed criteria for areas of mixed uses that will still ensure a safe environment.



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Commissioner McDermott does not favor reducing the setbacks and would like to have more family-oriented businesses. Ms. McDermott expressed concerns that the City needs to be careful with the number of dispensaries in the downtown area. Principal Planner Lochirco said Council has limited the number of dispensaries to three and even if the text amendment is changed, the number of dispensaries remains the same.

Principal Planner Lochirco confirmed for Commissioner Bonilla that by direction of the City Council additional dispensaries cannot come to Hayward.

Chair Faria said with the knowledge that the dispensaries will still be 500 feet apart, she can support the motion. Principal Planner Lochirco explained the Cannabis application process and that Council has set the cap at three dispensaries.

Principal Planner Lochirco confirmed for Commissioner Andrews that the Planning Commission will be the referring body to Council for the Cannabis dispensaries' design review. Ms. Andrews encouraged staff to be strict about what is brought before the Planning Commission and that the dispensaries' design needs to be upscale.

Chair Faria opened and closed the public hearing at 8:37 p.m. Commissioner Patton made a motion, seconded by Commission Bonilla, to approve the staff recommendation. The motion passed with the following votes:

AYES:	Commissioners Andrews, Bonilla, Patton Chair Faria
NOES:	McDermott
ABSENT:	Goldstein and Willis
ABSTAIN:	None